

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04-10361-NG
)	
)	
JOHN HANDY,)	
)	
Defendant.)	

**GOVERNMENT'S ASSENTED-TO MOTION TO EXCLUDE THE TIME
FROM FEBRUARY 28, 2006 THROUGH APRIL 28, 2006,
AND FOR AN ORDER ON EXCLUDABLE DELAY**

The United States hereby moves move, pursuant to 18 U.S.C. §3161(h)(8)(A) and Section 5(c)(1)(A) of the Plan for the Prompt Disposition of Criminal Cases of the United States District Court for the District of Massachusetts, to exclude the time within which trial must commence under 18 U.S.C. §3161(c)(1), excluding from such computation all time, commencing on February 28, 2006 and concluding on April 28, 2006.

As grounds therefor, the undersigned states that at the Status Conference held on February 28, 2006, counsel for the defendant had sought an additional two weeks to file a motion to suppress evidence (his suppression motion was due for filing on January 6, 2006, but as of this date has not been filed), and because of a heavy trial and motion practice schedule, the government had requested until the end of April, 2006 to file an opposition to said motion. The Court granted the additional time requested by the parties, and ordered that the defendant file his motion to suppress by March 10, 2006, and that the government

file its opposition to said motion by April 28, 2006. The Court also scheduled a hearing on the motion to suppress evidence for May 10, 2006.

Counsel for the Defendant, Timothy G. Watkins, Esq., has given his assent to the filing of this motion.

WHEREFORE, the government respectfully requests, under 18 U.S.C. §3161(h)(8)(A) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice are served by granting the requested exclusion, and that said exclusion outweighs the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude all time, **commencing on February 28, 2006, and concluding on April 28, 2006**, in computing the time within which trial must commence under 18 U.S.C. §3161, and request that the Court enter an Order of Excludable Delay.

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Dated: February 28, 2006

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document electronic court filing and/or regular mail:

Timothy G. Watkins, Esq.
Federal Defender Office
408 Atlantic Avenue, 3rd Floor
Boston, MA 02210

Date: February 28, 2006

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney